

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

---

**JAMES ALFRED SMITH, JR.,  
Petitioner,**

**v.**

**Case No. 14-CV-00036**

**DAVID A. CLARKE, JR.,  
Respondent.**

---

**DECISION AND ORDER**

Pro se petitioner James Smith, Jr., incarcerated at the Milwaukee County Jail, has filed a petition for a writ of habeas corpus. On February 14, 2014, I denied petitioner's motion for leave to proceed in forma pauperis and ordered him to pay the \$5.00 filing fee in this case within 21 days. I warned him that failure to pay the filing fee would result in dismissal of his petition under Fed. R. Civ. P. 41(b) for failure to prosecute. Petitioner has not paid the filing fee.

**THEREFORE, IT IS ORDERED** that the petition is **DISMISSED WITHOUT PREJUDICE.**

Dated at Milwaukee, Wisconsin, this 24th day of March, 2014.

s/ Lynn Adelman

---

LYNN ADELMAN  
District Judge